

REMARKS

In the outstanding Office Action, the Examiner has rejected independent claim 1 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,450,800 to Leonard, U.S. Patent No. 5,408,940 to Winchell and U.S. Patent No. 5,398,622 to Lubinskas. The Examiner also rejected independent claim 27 as being anticipated by Leonard, and independent claim 48 as being anticipated by U.S. Patent No. 4,365,561 to Tellier. The dependent claims have been rejected over the same references, alone and/or in combination with USP 4,706,920 to Ojima and USP 5,044,284 to Gross.

The outstanding Office Action appears to be a verbatim copy of the Office Action mailed August 29, 2005, with the exception that the Examiner has substituted component 16 of Leonard for previously cited components 32 and 34 (Office Action at 2-6), and further rejected claims 50-54 over Leonard (Office Action at 2).¹ The Examiner further stated that “Applicant’s argument with respect to claim 1-54 have been considered but are moot in view of the new ground(s) of rejection” (Office Action at 6).

Applicants respectfully disagree. In particular, the Examiner has not applied any new grounds of rejection to at least claims 48 and 49, or otherwise addressed Applicants arguments concerning those claims. Likewise, the Examiner has not responded to Applicants arguments concerning the patentability of independent claim 1 relative to the rejection of that claim as being anticipated by Winchell and Lubinskas.

Nonetheless, Applicants respectfully submit that the claims are patentable over the cited references, including the new application of Leonard. In particular, the cited references fail to disclose or suggest all of the recitation of the noted claims, and that the Examiner’s rejections should therefore be withdrawn.

¹ Applicants do not understand how claim 54 is *anticipated* by Leonard, when it depends from claim 48, which was rejected as being anticipated by Tellier, but not Leonard.

Claim 1:

Claim 1 recites a “worksurface *moveable a first distance in a fore-aft direction*² *between first and second positions*; [and] a monitor support coupled to said worksurface, wherein at least one of said worksurface and said monitor support is *automatically moveable* in response to a movement of the other of said worksurface and said monitor support, wherein said monitor support is *automatically moveable* a second distance in said fore-aft direction between first and second monitor support positions *in response to* said worksurface being moved said first distance between said first and second worksurface positions, wherein said *second distance is greater than said first distance*.” In this way, for example and without limitation, by moving differential distances in the fore-aft direction, the monitor support can be maintained substantially the same distance from the eyes of the user as the user tilts rearwardly in a chair and adjusts the position of the worksurface to accommodate the position of the hands of the user (Specification at 3, lines 12-17).

In contrast, the platform 18 of Leonard, applied by the Examiner as the “monitor support,” is not automatically moveable a second distance in response to the movement of the support member 16, applied as the “worksurface,” where the second distance is *greater than* the first distance. While Applicants acknowledge that the platform 18 automatically moves with the support member 16 in a vertical direction by way of the pinion gears 62, those components move the *same* distance (Leonard at Col. 5, lines 33-38; FIG. 2), not different distances. Moreover, this movement is not in the “fore-aft direction,” as now recited in claim 1.

In addition, although the platform 18 can be further moved in response to the actuation of an air cylinder 90, that movement is *separate and independent* from the movement of the support member 16 (Leonard at Col. 6, line 47 to Col. 7, line 40). Nowhere does Leonard disclose or suggest that the independent rotational movement of the platform 18 about hinges 50 is linked or automatic in response to the movement

² Support for the recitation of “fore-aft direction” is found for example and without limitation at page 5, lines 22-28 of the Specification.

of the support frame 16. Rather, as just noted, the only automatic movement of the platform 18 covers the *same* distance as the support frame 16. Accordingly, Leonard fails to disclose all of the limitations of claim 1.

Winchell also fails to disclose or suggest the recitations of claim 1. At the outset, Applicants submit that “cross-member 26”³ is not a “worksurface” as recited in claim 1, but rather functions as a cross-member positioned beneath the worksurface 21 (Col. 4, lines 41-59; Figs. 1 and 2). However, even if construed as a worksurface, cross-member 26 is *not moveable* in any way, and certainly not in a “fore-aft” direction. Rather, the “cross-member 26 interconnects the columns 25a and 25b to provide an integral base 23” (Col. 4, lines 57-58). Accordingly, claim 1 distinguishes over Winchell on this basis alone.

Moreover, as with Leonard, Winchell also fails to disclose that monitor support 54, as applied by the Examiner, is *automatically moveable* relative to movement of the component 26, another impossibility, or vice versa. Accordingly, claim 1 distinguishes Winchell for this additional reason.

Finally, Lubinskas also fails to disclose or suggest all of the limitations of claim 1. Again, at the outset, Applicants are confused as to the designation of various components by the Examiner. “Reference number 1, (FIGS. 1 & 2) generally designates an adjustable dual worksurface support” (Col. 2, lines 64-65). As such, the “worksurface 1” as applied by the Examiner (Office Action at 4) includes the “monitor support 2,” and is not separate therefrom or moveable relative thereto. In contrast, Applicants would agree that Lubinskas discloses two separate, moveable worksurfaces 2 and 3 that are interconnected by a linkage assembly 6 (Col. 2, line 66

³ Applicants do not understand the Examiner’s reference to worksurface “20” in the Office Action at page 4, since reference number 20 in Winchell is directed to the overall work table, rather than any particular component. Accordingly, Applicants have interpreted the cross-member 26 as the only “worksurface” member referenced by the Examiner. Applicants noted this same confusion in their prior response filed December 2, 2005. Since the Examiner did not clarify the corresponding components in the most recent Office Action, Applicants assume he concurs with Applicants’ interpretation.

to Col. 3, lines 10; Figs. 1 and 2). Importantly, however, Lubinskas discloses that the worksurfaces 2 and 3 are “independently adjusted” (Col. 1, lines 65-68), not “automatically moveable” relative to each other as recited in claim 1.

Indeed, Lubinskas discloses that “in operation, . . . the operator *first* . . . raises or lowers the computer equipment on terminal worksurface 2 to its desired height,” and “*next*, the operator adjusts the elevation of keyboard worksurface 3 by manipulating control button 119, then manually adjusting the vertical position of keyboard worksurface 3 to a convenient working height” (Col. 8, lines 31 to 49) (emphasis added). In this way, as expressly disclosed in Lubinskas, the worksurface 2 and worksurface 3 are *independently* adjusted, rather than automatically moveable relative to each other. Moreover, the worksurface 2 of Lubinskas does not move in a “fore-aft” direction in any event.

For all of these reasons, Applicants respectfully request that the Examiner’s rejections of claim 1 be withdrawn and that claim 1, and claims 2-26 depending therefrom, be passed to allowance.

Claim 27:

Claim 27 recites “a monitor support moveably supported by said worksurface and comprising a second rack, wherein said pinion gear [rotatably mounted to said worksurface] is disposed between and engages said first and second racks.” In contrast, the platform 18 of Leonard does not have any rack connected thereto. Accordingly, claim 27 distinguishes over Leonard on this basis alone.

Moreover, each of the individual pinion gears 62 of Leonard is not “disposed between and engage[d]” with first and second racks, as recited in claim 27. Rather, the pinion gears each engage a single gear rack 60 mounted *only* on the base – there are four pinion gears 62 and four gear racks 60 with no pinion gear engaging more than one gear rack (Col. 5, lines 17-41; Fig. 2). With Applicants invention, by disposing the pinion gear between and engaging two racks mounted respectively to the base *and monitor support*, the monitor support moves a greater distance than the

worksurface, which comprises the pinion gear (*see* Specification at 8, lines 1-27). Accordingly, claim 27 distinguishes over Leonard for this additional reason.

Claim 48:

Claim 48 recites “a worksurface connected to said monitor support, wherein said worksurface is rotatable *with said monitor support about said horizontal axis as said monitor support is translated between said first and second positions.*” In contrast, Tellier does not disclose or suggest that the worksurface 11 is rotatable with the monitor support 8 about *a horizontal axis*. Indeed, Tellier discloses that the height of the shelf 11 is not adjustable, and that the shelf 11 can rotate only about a *vertical axis*, not a horizontal one as recited in claim 48 (*see* Col. 4, lines 36-41; Figs. 2 and 5). Accordingly, claim 48 distinguishes over Tellier, and should be passed to allowance on the next Office Action.

Claim 50:

Applicants have rewritten claim 50 in independent form. Claim 50 recites a “worksurface moveable in at least a horizontal direction.” In contrast, the support member 16 of Leonard is moveable *only* in a *vertical* direction.

Indeed, Leonard emphasizes the need for a symmetrical structure such that “when any of the pinion gears 62 is driven the set of four pinion gears simultaneously act to *vertically move* the frame assembly 14 and, hence, the VDT 20 supported on the platform 18” (Leonard at Col. 5, lines 33-37 (emphasis added)). Moreover, “in operation, *each corner* of the frame assembly 14 is *moved simultaneously*, having identical forces applied thereto at all points of contact,” such that “*vertical movement* of the frame assembly 14 is accomplished in a smooth fashion, with no part of the frame becoming jammed,” and such that “the frame assembly 14 cannot lose alignment with the base assembly 12” (Leonard at Col. 6, lines 37-46 (emphasis added)).

Accordingly, Leonard fails to disclose or suggest all of the limitations of claim 50.

Dependent Claims:

While Applicants respectfully submit that the dependent claims distinguish, and are allowable over, the cited references for additional reasons, Applicants take this opportunity to comment on only a few of the dependent claims, without prejudice to represent that those or other dependent claims distinguish over the cited references for other reasons not set forth herein.

For example and without limitation, claim 5 recites that “said base comprises a first gear, said monitor support comprises a second gear and said worksurface comprises a pinion gear rotatably mounted thereto, wherein said pinion gear engages said first and second gears.” As noted above with respect to claim 27, Leonard fails to disclose or suggest any gear connected to the platform 18. Accordingly, claim 5 distinguishes over Leonard for this additional reason. In addition, Leonard also does not disclose or suggest that the gear is a linear rack, let alone one that faces another rack with a pinion gear engaging the racks as recited in claim 6.

Claim 20 depends from claim 1, which recites a “worksurface moveable a first distance between first and second worksurface positions.” As noted above with respect to claim 48, the only movement of the platform 11 in Tellier, applied by the Examiner as the worksurface, is a rotation movement. Nowhere, however, does Tellier disclose or suggest that the platform 8, applied by the Examiner as the monitor support, automatically moves in response to the movement of the platform 11, wherein the distance moved by the monitor support is greater than the distance moved by the platform 11. Moreover, the platforms 8 and 11, when rotated about the vertical axis, are not both moved in a “fore-aft” direction. Ojima does not supply any of the deficiencies of Tellier. Accordingly, the Examiner has failed to establish that the references, even if combined, disclose or suggest all of the limitations of claim 20. Accordingly, the Examiner has failed to make out a *prima facie* case of obviousness, and the rejections should be withdrawn (see MPEP 2143.03).

With respect to claim 23, the Examiner has asserted that Gross discloses a “four bar linkage” supporting the monitor support (Office Action at 6). Since the

Examiner has not supplied reference numbers, or cited to any particular passage of Gross, Applicants are not sure as to what structure is referred to as the four-bar linkage in Gross. Gross appears to disclose a belt 108 for supporting the computer table 46, not a four-bar linkage (Gross at Col. 4, lines 36-60). Accordingly, Gross and Leonard do not appear to disclose all of the limitations of claims 23-25, and the rejection should be withdrawn, or asserted with more particularity in a non-final action.

Claim 52 recites that the “worksurface is moveable in at least a horizontal direction.” Accordingly, claim 52 further distinguishes over Leonard for the same reasons set forth above with respect to claim 50.

Conclusion:

For all of the reasons set forth above, Applicants submit that all of the claims are in condition for allowance and notice to that effect is earnestly solicited. If for any reason this application is not considered to be in condition for allowance and an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to call the undersigned attorney at (312) 321-4713.

Applicants previously paid for 49 claims, including four independent claims. After amendment, this application has thirty five (35) claims, including four independent claims. Accordingly, no additional claims fees are believed to be due. However, should any fees be deemed appropriate in connection with this amendment, the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 23-1925.

Dated: May 31, 2006

By:

Respectfully Submitted,



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